



2026:AHC-LKO:20651

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 2066 of 2026

Nirmala Devi

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite Party(s)

Counsel for Applicant(s)	: Vivek Pandey, Jagriti Bardhan Rao, Jyotika Yog Sharma
Counsel for Opposite Party(s)	: G.A.

Court No. - 13

HON'BLE MANISH KUMAR, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. By means of this application, the applicant, who is involved in Case Crime No. 373 of 2025, under sections 103(1) and 238 of the B.N.S., Police Station Tarabganj, District- Gonda is seeking enlargement on bail during the trial.
3. Brief facts of the present case are that an FIR dated 21.11.2025 has been lodged under Section 103 (1) and 238 of B.N.S against the unknown persons by Manjeet Singh, Gram Pradhan Bangaon, District Gonda alleging therein that he has found a dead body of a lady lying between the villages Secretarypurva and Kanchanpur.
4. Learned counsel for the applicant has submitted that the applicant is not named in the F.I.R.. Her name has been cropped up in the statement of her daughter recorded under Section 180 of B.N.S.S. wherein her daughter has made statement that her sister namely Anuradha (now deceased) used to keep a Mobile and occasionally had been talking with some unknown person due to which the applicant and the co-accused (brother of deceased) used to stop her from doing so but the deceased fought with them and after that she is not aware about anything so even in the statement of the daughter of the applicant, there is no allegation regarding killing the deceased by the applicant.
5. It is further submitted that the charge-sheet has been filed against the applicant and another co-accused person on the basis of C.D.R. of the Mobile of the deceased and the confessional statement of the applicant and co-accused (Manish) during the investigation but there was no eye-witness of the incident. The charge-sheet has been filed on the basis of

circumstantial evidence.

6. It is further submitted that the confessional statement of the accused persons are not admissible as an evidence, as per Section 25 of the Indian Evidence Act, 1872.

7. It is further submitted that even in the confessional statement and the other material relied while filing the charge-sheet, there are contradictions. The applicant is a lady aged about 50 years and she is in jail since 30.11.2025. Applicant has no criminal history.

8.. It is further submitted that the applicant has falsely been implicated in the present case and she would not misuse the liberty of bail.

9. On the other hand, learned AGA on the basis of para-wise comments and the case diary has submitted that the applicant herself in her confessional statement has accepted the commission of offense and co-accused (Manish) in his confessional statement has submitted that he had first destroyed the Mobile of deceased thereafter took her to the outskirts of the district where he crushed the deceased by his Car.

10. At this stage, learned counsel for the applicant has submitted that as per the post-mortem report, there is no injury of crushing so it shows that the confessional statement has been made under pressure by the co-accused and by the present applicant except that learned AGA is unable to dispute the submission made by learned counsel for the applicant. Further, it has been submitted that if the Mobile has been crushed, as per the confessional statement of co-accused, then how on the basis of it location of deceased's maternal uncle has been traced, as has been mentioned in the charge-sheet.

11. Having heard learned counsel for the parties and perused the material available on record; considering the fact that charge-sheet has been filed on the basis of alleged confession by the applicant and the another co-accused during the investigation and except that no other material has been brought on record even there are contradictions in the confessional statements of the applicant and the another co-accused, which have been provided by learned AGA during course of argument; thus, prima-facie, it is found that it is a fit case in which the applicant may be enlarged on bail.

12. Accordingly, the instant bail application is ***allowed***.

13. Let the applicant **Nirmala Devi** be released on bail in the aforesaid case crime number on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following

conditions:-

- (i) The applicant will cooperate with the prosecution during trial.
- (ii) The applicant will not tamper with the evidence during trial.
- (iii) The applicant will not pressurize/intimidate the prosecution witness(es).
- (iv) The applicant shall not commit an offence.
- (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.
- (vi) The applicant shall remain present before the trial court on each date fixed, either personally or through counsel.
- (vii) The applicant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.
- (viii) The applicant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

14. In case of default of above conditions it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

15. As this order relates to enlargement of the applicant on bail, it is clarified that observations made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observations made in this order.

March 23, 2026
Ashish

(Manish Kumar,J.)